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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,742	11/26/2003	Janaki Kumar	13906-148001 / 2003P00828	9947
32864 7590 03/28/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER VAUGHN, GREGORY J	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 03/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/723,742

Applicant(s)

KUMAR ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 3, 13 and 25 remain rejected per the office action dated 12/27/2006 - see note below.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The claimed invention is unpatentable in view of Ohnishi, US Publication 2003/0187876, in view of Zak et al., US Patent 5,265,207, in further view of Bornemisza-Wahr et al., US Patent 6,073,119 (hereinafter Wahr).

Applicant argues that there is no motivation to combine the references (see pages 11 and 12 of the response filed 2/20/2007). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case broadcasting a message from one user to multiple other users is well known in the art. A broadcast from a supervisor is similarly well known in the art. Zak discloses a broadcast message from a supervisor in lines 43-59 of column 21. Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to combine the customer interaction center of Ohnishi with the broadcast message teachings of Zak in order to "facilitate transfer of the message to destination processors" (Zak, abstract). Also, in this case scrolling/moving text is well known in the art. For instance, consider the moving text of a financial ticker-tape display. Wahr disclose this type of moving text related to an information center in Figure 7 at reference sign 34. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the customer interaction center with supervisor broadcast capabilities of Ohnishi and Zak with the moving text teachings of Wahr in order to "provide users with video information displays" (Wahr, column 2, lines 18-19).

Applicant further argues that Zak and Wahr are not analogous with Ohnishi, because the inventions have been classified into different classifications. In response to applicant's argument that Zak and Wahr are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ohnishi is directed toward an office counter work supporting system that provides a system for a sales counter agent to collect and process customer and sales information, and also provides the agent with interaction with a sales supervisor. Wahr is directed toward a system for a banking institution interactive center that provides customers and other users interaction with banking facilities and in general support customer banking activities. The two inventions are analogous because they both are directed toward systems that collect and manage customers and business transactions. Zak is directed toward a messaging processing system. Zak is analogous with Ohnishi because they are both directed toward systems for message management.

Applicant also argues that features of the claimed invention recited in claims 6, 18 and 25, directed toward "pausing the automatic scrolling" were not addressed in the office action dated 12/27/2006 (see page 15, last paragraph of the response filed 2/20/2007). Applicant is directed to the rejection of claims 6, 18 and 25 as described in the office action dated 12/27/2006. Wahr discloses moving text related to an information center in Figure 7 at reference sign 34. See also column 17, lines 18-54 that describe not only a stock ticker with moving text, but also a scrolling text message that was created by the interactive center and can be stopped (i.e. paused). Wahr recites: "A scrolling text message can be either text input by the IC or news feed. Text Input is performed by the IM at the Staff WS. The video wall displays the message as a single line of text, horizontally scrolling from right to left. The IM can stop the text stream from the Staff WS" (column 17, lines 48-52).

Continuation of 13. Other: Claims 3, 13 and 25 have been amended with applicant's response filed 2/20/2007. These amendments are directed toward correcting typographical errors, and do not effect the scope or limitations of the claimed invention. Therefore, the amendments have been entered. The claims stand rejected as described in the office action dated 12/27/2006.